

conclude and no additional tobacco shall be graded beyond that point.

(4) Each warehouse operator shall arrange his entire day's sale in a continuous and orderly arrayed sequence of lots and rows of tobacco. Any arrangement of tobacco in rows of progressively varying lengths, or any deviations from an orderly arrayed sequence of lots and rows of tobacco, shall have prior approval of the Set Work Leader or Circuit Supervisor.

(5) Each warehouse operator shall designate to the Set Work Leader or Circuit Supervisor the starting point or lot for each day's sale, and counting and grading will begin at this designated point and proceed to the closing point of the sale in an orderly sequence. All lot spaces, containing or not containing a lot of tobacco, and all lots of tobacco, covered or uncovered, shall be counted and included in the daily sales allotment. Lots of tobacco shall not be removed, added, rearranged, or substituted between the time they are counted for the day's sale and the time they are graded for the day's sale, provided, however, that with prior approval of the Set Work Leader or Circuit Supervisor compensating lots of tobacco may be substituted for empty spaces and covered lots included in a daily sales count.

(6) Each operator of a warehouse at which baled burley tobacco is offered for sale shall open the particular bale, in a lot of tobacco, chosen by a grader for inspection and reseal that bale after inspection.

(7) Each seller, by offering burley tobacco for sale, certifies that the lot inspected by a grader is representative of the grade of all the tobacco in that lot, that the leaf was stalk-cured, that the bales do not contain any foreign matter or material, and are not nested.

(b) Before starting inspection of the day's sale of burley tobacco in each warehouse, the Set Work Leader or Circuit Supervisor shall determine if there is compliance with the requirements of paragraph (a) of this section. If he determines that the prescribed requirements have not been followed, the inspector shall proceed to the next sale or sales as originally scheduled for that day and grade the number of lots of tobacco scheduled for such sale or sales,

and shall return to the noncomplying warehouse on the next regularly scheduled sales day for such warehouse, at which time the Set Work Leader or Circuit Supervisor shall again determine if the prescribed system has been followed before starting the inspection. If noncompliance or failure to observe requirements of paragraph (a) of this section are discovered after inspection for the day's sale has started, the inspector shall discontinue inspection and proceed to the next sale or sales scheduled for that day and shall return to the noncomplying warehouse on the next regularly scheduled sales day for such warehouse.

(c) The provisions of this section shall not preclude the application of other administrative remedies or the institution of criminal proceedings in appropriate cases as provided by the Act.

[30 FR 12627, Oct. 2, 1965, as amended at 47 FR 51721, Nov. 17, 1982; 56 FR 31534, July 11, 1991]

**§29.76 Mandatory inspection ticket.**

A mandatory inspection ticket shall consist of a Tobacco Inspection Certificate made and issued in combination with an auction warehouse ticket in a form approved by the Director.

**§29.77 Warehousemen to provide tickets.**

A mandatory inspection ticket, in the form required by §29.76 shall be provided by each auction warehouseman on a designated market to cover each lot of tobacco offered for sale at auction by him on such market.

**§29.78 Changes or alterations.**

No change or alteration shall be made, in the weight or other identification of the lot, on a mandatory inspection ticket after the certification of type and grade by an official inspector, and any such change or alteration shall constitute and be construed as a change or alteration in the certificate issued or authorized under the Act.

**§29.79 Disposition of ticket.**

One copy of the mandatory inspection ticket shall be attached to, or placed on, the tobacco certificated as a further identification of the lot and all copies of such ticket shall become null

and void when such identifying copy is removed from the lot. When and as requested by the Director, one copy of such ticket, showing (a) the certification of type and grade; (b) the weight and other identification; and (c) the details of the sale at auction, shall be delivered by the warehouseman to the Division or the head inspector of the market.

**§ 29.80 Announcing grades.**

The grade of each lot of tobacco as certified by an official inspector on a designated market shall be clearly announced by the warehouseman or his representative at the time the lot is offered in the auction: *Provided*, That the Director may waive the requirement of announcing grades in the auction if he finds it impractical for the warehouseman to render this service.

**§ 29.81 Interference with inspectors.**

(a) No person, including the owner, producer, warehouseman, agent, or employee thereof shall (1) attempt, in any manner, to influence an inspector with respect to the grade designation of tobacco, or (2) impede, in any manner, an inspector while the inspector is in the process of grading tobacco on the warehouse auction floor, or (3) ask any question or discuss any matter pertaining to the grading of tobacco while the inspector is grading any tobacco on the warehouse auction floor. While inspectors are engaged in grading the day's sale, all requests for information concerning the grade designation on or requests to review the grade of any lot of tobacco shall be made only to the head grader or to the market supervisor grader: *Provided, however*, That the producer of a lot of tobacco may discuss the grading of his tobacco with the inspector while he is performing his grading operations.

(b) In the event that the head grader or market supervisor grader determines that a person has violated any provision of this section, inspection ticket(s) if already issued on the lot(s) of unsold tobacco involved shall be null and void and no further inspection shall be performed on such lot(s) offered for sale by the warehouseman in whose premises the violation occurred until the next regularly-scheduled sale

for such warehouse: *Provided*, That if violation consists of talking to the inspector while he is grading the tobacco, a warning shall be given on first offense and penalty provisions shall apply on any subsequent offense. A reduction in daily sales for any warehouse resulting from a violation of this section shall not prevent the maximum number of baskets or pounds allotted per day per set of buyers from being sold in a designated market.

(c) The provisions of this section shall not preclude the application of other administrative remedies or the institution of criminal proceedings in appropriate cases as provided by the Act.

[30 FR 12627, Oct. 2, 1965]

APPEAL

**§ 29.90 When appeal may be taken.**

Whenever an interested party believes that a certificate issued or a sample prepared under the act is not correct he may file an appeal: *Provided*, That (a) the period for which such certificate was issued or sample was prepared, if any specified, has not expired; (b) all tobacco covered by such certificate or sample is accessible to an appeal inspector for making a proper reinspection, resampling, or reweighing, and can be definitely identified by him as the tobacco covered by such certificate or sample; and (c) the tobacco has not deteriorated or undergone any material change.

**§ 29.91 How to obtain an appeal.**

An appeal shall be made in writing and filed with the Division or the office of inspection for the type of tobacco involved. Such appeal shall show:

(a) The date; (b) the name and post office address of the appellant and of the person, if any, making the appeal in his behalf; (c) the financial interest of the appellant in the tobacco; (d) the reasons for making the appeal; and such other information as may be required by the Director. The appeal shall be accompanied by the certificate or sample from which the appeal is taken, unless such requirement is waived by the Division when it is impracticable for the appellant to furnish such certificate. The appeal inspector